

CA 04-253 E

Court

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JUAN DAVILA-BAJANA,

PLAINTIFF,

-VS-

TIM HOLOHAN, ET AL.,

DEFENDANTS.

FILED

07 FEB 14 10:40

CLERK
U.S. DISTRICT COURT

CIVIL ACTION NO. _____

JUDGE: SEAN J. MCLAUGHLIN
MAGISTRATE JUDGE: BAXTER

CONSOLIDATED MOTION FOR, AND BRIEF IN SUPPORT OF:
ENLARGEMENT OF TIME TO FILE PLAINTIFF'S WITNESS NARRATIVES
AND OTHER RELEVANT PRE-TRIAL FILINGS PURSUANT TO COURT'S ORDER

NOW COMES Juan Davila-Bajana, pro se (Plaintiff); and hereby respectfully submits his Consolidated Motion for, and Brief in Support of, Enlarging the Time to File his Pre-Trial Witness Narratives and other Court Ordered pleadings.

As a general note, Plaintiff respectfully incorporates his previously filed Motion(s) for Enlargement of Time(s) to file his respective pleadings to the Court. This is so as the course set forth in those pleadings will clearly set forth that there is just and good cause for the instant request for Enlarging the time(s) for Plaintiff to comply with the Court's Order(s).

Moreover, this Court was required to hold an interim hearing to resolve issue(s) which had been previous, at least to Plaintiff and what appeared to be the Court (accepting the tone of the

Honorable Susan P. Baxter during the hearing), fully understood to have been resolved. Notwithstanding the fact that the issue has now been fully litigated and adjudicated in Plaintiff's favor. But because of this Plaintiff was preparing to request additional time to file his Response to the Second Motion to Dismiss, or in the alternative, Summary Judgement. And in conjunction with same he was seeking an additional thirty (30) days to file his above titled Narratives and other pleadings.

In sum, Plaintiff now seeks the Court to Grant him thirty (30) days to file his Narratives and a relative amount of time to file his other Ordered pleadings now presently getting near to being due. This will allow for him to concentrate on the pleading at hand and to have same filed timely before the Court in conjunction with the Court's Order of January 16, 2007. To wit, at the end of the telephonic hearing Judge Baxter set the date for the filing of the Response as February 26, 2006, to the pending Summary Judgement.

This will allow for the complete Briefing of the newly proffered defense(s) and for Plaintiff to adjust his evidence and pleadings to address the newly taken position that Plaintiff's allegations are unfounded simply because the Defendants now state an alternative reason(ing) for his dismissal from his prison factory job. But the present pleading is not the proper place for an extended argument at this time -- Plaintiff merely wishes for this Court to consider the course which the present cause has taken through the federal civil procedures.

The delay(s) of Plaintiff now being placed before the Court are of the nature that the Defendants are creating a great deal

extra pleading requirements for the interested parties. Not to mention the fact that the Court is required to expend additional resources to deal with the antics of the Defendants and their attorney(s). As well, Plaintiff has yet to receive the Court's Order of January 16, 2007, supra id, which Rules on the Issue of Service of the Defendants and resets the date for the Response.

WHEREFORE PLAINTIFF DAVILA PRAYS, that the Honorable Susan P. Baxter will Enlarge the Time to file the Court's Pre-Trial pleadings for thirty (30) days from the date his Response to the pending Summary Judgement is due. Or, to and including March 26, 2007. And to extend the other relevant times.

AND FURTHERMORE, direct the Clerk of the Court to Serve Plaintiff with the Court's Order of January 16, 2007, Ruling on the telephonic hearing.

AND FURTHERMORE, direct the Clerk of the Court to Order the Transcript of the Hearing, id, to be Served on Plaintiff should the issue need further litigation.

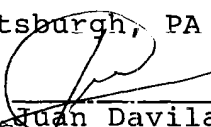
AND FURTHERMORE, Grant Plaintiff any additional the Court deems just and proper.

Respectfully Submitted,

DECLARATION AND CERTIFICATE OF SERVICE

I, Juan Davila-Bajana, hereby declare and affirm, under the penalty of perjury pursuant to 28 USC §1746(2), that the foregoing pleading is true and correct to the best of my knowledge and recollection; and that I served true and correct Originals, by first-class postage prepaid surrender to the prison officials, of the foregoing pleading and accompanying Declaration on: Paul D. Kovac, AUSA, 700 Grant St., Pittsburgh, PA 15219.

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 2/14/07
Juan Davila-Bajana, Pro Se
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